

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE: PHENYLPROPANOLAMINE
(PPA) PRODUCTS LIABILITY
LITIGATION,

MDL NO. 1407

ORDER GRANTING DEFEN-
DANTS' MOTION FOR SUMMARY
JUDGMENT

This document relates to:
Williams v. Novartis
Pharmaceuticals Corp., C02-
1720

Defendant Wyeth, on behalf of itself and its unincorporated division Wyeth Consumer Healthcare, has moved for summary judgment on plaintiff Herman Williams' claims against it. According to Wyeth, Williams has produced no evidence of having ingested any Wyeth PPA-containing product within 72 hours of his stroke, a required element for recovery under *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579 (1993) and this court's June 8, 2003 Order Granting in Part and Denying in Part MDL Defendants' Motion to Preclude Plaintiffs' Expert Opinions. Plaintiff has not filed a response, thereby conceding defendant's position.

Plaintiff Williams has filed a motion for voluntary dismissal of defendant Wyeth without prejudice. Nevertheless, given the un-refuted evidence that plaintiff's claims against Wyeth are

1 not viable, as noted above, the court hereby GRANTS Wyeth's
2 motion for summary judgment and STRIKES plaintiff's motion for
3 voluntary dismissal as moot. Plaintiff's claims against Wyeth are
4 DISMISSED with prejudice.

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6 DATED at Seattle, Washington this 11th day of July, 2005.

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8 BARBARA JACOBS ROTHSTEIN
9 UNITED STATES DISTRICT JUDGE
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